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STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

April 7, 1983

CERTIFIED RETURN RECEIPT REQUESTED *POS 707 5446*

Mr. Robert Wiley  
Environmental Engineer  
Price River Coal Company  
P.O. Box 629  
Helper, Utah 84526

#8  
RE: Proposed Assessment for  
State Violation No. N83-4-2-1  
ACT/007/004

Dear Mr. Wiley:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violation(s). The aforesaid violations was issued by Division Inspector Dave Lof on the 23rd of March, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Mr. Robert Wiley  
Environmental Engineer  
April 7, 1983  
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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/gb

cc: Jodie Merriman, OSM Albuquerque  
Joe Helfrich, DOGM  
Barbara Roberts, Atty

## ASSESSMENT WORKSHEET

NOV# N83-4-2-1PERMIT# ACT/007/004Name of Company Price River Coal CompanyViolation # 1 of 1

	<u>POINTS</u>
1. History of previous violations	<u>8</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>17</u>
(2) Extent of potential or actual damage	<u>16</u>
B. Obstruction to enforcement	<u>--</u>
Total Seriousness	<u>33</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>          </u>
TOTAL POINTS	<u>49</u>
ASSESSMENT	<u>\$ 960.00</u>

Violation # -- of --

	<u>POINTS</u>
1. History of previous violations	<u>          </u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>          </u>
(2) Extent of potential or actual damage	<u>          </u>
B. Obstruction to enforcement	<u>          </u>
Total Seriousness	<u>          </u>
3. Negligence	<u>          </u>
4. Good Faith (Will be considered after complete information is received)	<u>          </u>
TOTAL POINTS	<u>          </u>
ASSESSMENT	<u>\$          </u>

ASSESSMENT EXPLANATION

NOV# N83-4-2-1

PERMIT# ACT/007/004

Name of Company Price River Coal Company

Violation # 1 of 1

History of previous violations: N81-2-14-1 eff. 6/4/82 = 1pt., N82-4-4-2 eff. 6/24/82 = 2pt., N82-4-5-1 eff. 9/19/82 = 1 pt., N82-4-7-1 eff.9/19/82 = 1pt., N82-4-9-1 eff.12/16/82 = 1pt.,

Seriousness: (either A or B) N82-4-12-2 eff.1/16/83 = 2pts., N82-4-17-2 & N82-4-14-1 are pending. Total=8pts

A. (1) Probability of occurrence: The violation, failure to prevent additional contributions of suspended solids to streamflow or runoff, is deemed to have resulted in occurrence of water pollution. 17 pts.

(2) Extent of actual or potential damage:

Damage left the permit area. 16 pts.

B. Obstruction to enforcement: ---

Negligence: ORDINARY NEGLIGENCE 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED